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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,798

01/09/2006

Mituo Nakamura

2005-2058A

3772

513

7590

03/12/2009

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EXAMINER

CAJILIG, CHRISTINE T

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

03/12/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,798	<b>Applicant(s)</b> NAKAMURA, MITUO	
	<b>Examiner</b> CHRISTINE T. CAJILIG	<b>Art Unit</b> 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 11-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/09/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

Claim 12 is objected to because of the following informalities: Claim 12 should be dependent on claim 11 and not cancelled claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11, 14, 20, 22, 23, 25, 26 and all claims dependent therefrom and/or incorporating language from claim 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites "recessed parts formed on said outer peripheral surfaces....crossing an axial direction of said stretching members, other stretching members." It is unclear if the "the stretching members" defines the position of the recessed parts or is a separate structure being claimed.

Claims 14, 20, 22, 23, 25, and 26 recite "disposing the stretching members on said recessed parts." However, in the preceding lines, the stretching

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members are already defined as being inserted in the through holes.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11- 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakanishi (U.S. Patent No. 3,209,510).

Regarding claim 11, Nakanishi discloses a block *for construction capable of constructing a flat structure by arranging the plurality of blocks in a flat state with outer peripheral surfaces thereof brought into contact with each other*, the block for construction comprising a plurality of through holes (17) formed *for inserting linear or bar-like stretching members*, and recessed parts (13) formed on said outer peripheral surfaces crossing an axial direction of said through holes to dispose, in a direction three-dimensionally crossing an axial direction of said stretching members, and *for inserting other stretching members*.

Regarding claim 12, Nakanishi further discloses that said plurality of through holes (17) are provided in parallel with each other with intervals therebetween in a through-thickness direction of a body of said block for construction or in a direction perpendicular thereto.

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Regarding claim 13, Nakanishi further discloses that a plurality of cavities (19) opening at more than one place on said outer peripheral surfaces are provided.

Regarding claims 14, 22, and 23, Nakanishi further discloses a panel (Col 3, Ln 39-41) for construction formed by arranging said plurality of blocks for construction claimed in claims 11, 12, or 13 (see rejections above) in a flat state with outer peripheral surfaces thereof brought into contact with each other with said plurality of through holes being communicated, stretching members (25) are inserted into the plurality of through holes; other stretching members (23) are disposed on said recessed parts, and said blocks for construction are bonded with pressure from tensile forces on said stretching members. Claims 14, 22, and 23 appear to be product by process claims. For purposes of examination, the language of “inserting said stretching members...while disposing the stretching members...and bonding said blocks” is regarded product by process limitations and the product does not depend on the process of making it.

Therefore, the structure of Nakanishi is no different than the product claimed.

Regarding claim 15, Nakanishi further discloses a gap filling agent (Col 3, Ln 22) *for dispersing reaction force intervenes between said blocks for construction which are adjacent to each other.*

Regarding claims 16, 17, and 24, Nakanishi further discloses reaction force, block body members (washers and nuts – Col 3, Ln 28-30) for generating tensile force on said stretching member are attached to outer peripheral surfaces of said blocks for construction, the outer peripheral surfaces being located on peripheral portions of said panel for construction.

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Regarding claims 18 and 19, Nakanishi further discloses that said gap filling agent is a curable cement paste or a material deformable by bonding pressure of said blocks for construction (Col 3, Ln 22).

Regarding claims 20, 25, and 26, Nakanishi in column 3, lines 15-41 discloses a method of forming a panel for structure comprising steps of arranging said plurality of blocks for construction claimed in claims 11, 12, or 13 (see rejections above) to be adjacent to each other in a flat state with a gap filling agent for dispersing stress intervening between outer peripheral surfaces of said blocks for construction and with said plurality of through holes communicating with each other, inserting stretching members (25) into said plurality of the through holes while disposing other stretching members (23) on said recessed parts, and loading tensile force on said stretching members to bond said blocks for construction with pressure.

Regarding claim 21, Nakanishi further discloses a plurality of cavities (19) opening at more than one place on said outer peripheral surfaces are provided.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reinforced block wall constructions: Sanders et al. (US 6735913); Gronert et. al. (US 1171191); Montrief (US 1783383); Hart (US 3283457); Guignon, Jr. (US 2202850); Zagray (US 2696102); Sachs (US 5035100); Sarros (US 3559361; Brisson et al. (US 6305142).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE T. CAJILIG whose telephone number is (571)272-8143. The examiner can normally be reached on Monday - Thursday from 8am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571) 272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. T. C./

Examiner, Art Unit 3633

/Robert J Canfield/

Supervisory Patent Examiner, Art Unit 3635